Previous references.

Pol 198 of 06 Sls 1 to 8

1908-9

Pol File No. 120 of 08

Serial Nos., 192

(Police)

Later references.

G2 14-30 (3 of 06)

Pol 1142-35 (1-9)

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20

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 192

Part B. for April 09

SUBJECT.

Fees for expert opinion on Finger Prints in civil cases

Table of contents.

From the G. of Police No. F P. 50 & 5-2-09

States that the fee levied for expert opinion is being paid to the Beaureau Inspector who gives the opinion and states that the fee may be raised to Rs10, considering the importance of the expert opinion as the Inspector generally does this work out of office hours and without the aid of the Bureau

2 To the G. of Police and Registrar chief court No. 3273-4 & 26. Declines to enhance the fee and states that it open to the G. to grant to the Inspector, the w or part of the fee realised in any case up to R

G.R.S.11]

1909.

GENERAL AND REVENUE SECRETARIAT ·

(Police)

NOTES.*

File No. /23-08

FILE HEADING.

Fees for expert opinion on Finger Prints in civil cases.

From

The Inspector General of Police

No. F.P.50 Dated 5.2.09 Received 6.2.09

Diary No. 1994 Enclos. 3 Spare Copies – Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the fee levied for expert opinion is paid to the Bureau Inspector who gives the opinion & states that the fee may be raised to Rs 10, considering the importance of the expert opinion, as the Inspector generally does this work out of office hours & without the aid of the Bureau.

NOTES AND ORDERS.

FLQ

Govt. G.O. Pp. No 1651-52/Police 198-07-8 Dt 28.11.07

Govt. approved of the rules in respect of Expert Evidence regarding finger prints in civil cases and directed the levy of a fee of Rs 5- for the Bureau. Mr. Carr, the late I. G. of Police first suggested the levy of a fee of

NOTES—First sheet

GPB—30,000—3-4-07

Serial No.

of Rs. 10 following the practice in the Punjab, but subsequently he stated that the fee of Rs 5 suggested by the Registrar of the Chief Court was fair enough (Vide, Police file 198-B in which the whole question is fully discussed).

1 Q

The I.G. now stated that the fee now realized is paid to the Bureau Inspector & the practice in Madras, Bombay & the Punjab is not uniform. In Madras & the Punjab the whole amount is generally credited to Govt & in Bombay the I.G. of Police is given discretionary power. Mr. Devaraj Urs, the present I.G., is of opinion that Re a fee of Rs 10, is not in any way large & it may be given to the Inspector, as he does the work generally out of office hours without the aid of the Bureau.

KN. 11/2

As regards the raising Subs fees after fee, the matter has been disposed of by Govt after due consideration in the accompanying file. Ten Rupees is too high for our people to pay in Cases that Come up before Court. In my humble opinion, the fee Should not be raised.

The I.G. represents that the full fee may be paid over to the Expert

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

as he does all the work out of office hours.

I think half the amount actually received may be paid to the Inspector.

12.2.09. Sd

Secretary

Even if the expert does the work outy office hours he does it with the special knowledge acquired in the course of his duties.

Art 52 M.S.R. corresponds to Art 74 Civil Service Regns & under it the I.G. of Police has the discretion to allow the expert the whole or part of the fee realised in any case upto a limit of 50Rs. If the fee is more than 50Rs the sanction of Govt is necessary. This is ~~~~ analogous to the practice in Bombay & the same may be followed here. I do not seem necessary to increase the rate of fee from 5 to 10Rs.

2nd cy.

13.2.09. Sd 13/2/09

While employed on such duty

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

...ce, in giving evidence before a Court, the man will get full pay and travelling allowance according to rules. The fee should go to reimburse this to some extent I shall be glad to be favored with the further views of the Secretary

RRM
15/2/09

explained orally

The fee need not be raised The Dy of Police may be given the discretion to remit the whole or part of the fee realized to the Inspector

RRM
15/2/09

Put up a draft

17.2.09

Subd. with a draft order.

Perhaps a clean draft as slightly revised.
20.2.09

B.G.
19.2.09

NOTE—Contn. sheet.

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 123 of 1908-09

Serial No.

Subd. with clean draft as directed. — to Secretary
22. 2. 09.

Revis 633/08/9

S.E. 20.2.09

Secy) Please read draft letter II for remarks if any as to the applicability of Art 52 to the case

24/2/09

24. 2. 09

for letter II.
24/2/09

Submitted
25/2

I don't think he does it as a Govt officer.

The work is reqd. to be done by the Inspector as an officer of Govt and not I think in his private Capacity. In such cases the fee is creditable to Govt. The Inspector is entitled only to the usual (A) under the rules. Art 52 (a) Contemplates cases of work done by a Govt officer in his private Capacity & does not I think refer to the present case in which private parties ask for

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

on payment of the prescribed fees, the opinion in his official capacity of a person employed by Govt. ~~in such a case~~ The practice obtaining in Madras & the Pamphlet is I think correct & may be followed here.

Dwl Secy) 27.2.9

When the opinion is given at the request of the presiding officer of the Court no fee is to be paid - The Insp. will do the work as a part of his duty - If he has to travel, he will draw T.A. on duty.

When opinion is given at the request of a private party fee at the rate of Rs 5/- may be charged and credited to Govt. - Half the fee may be afterwards drawn by the presiding officer of the court to be paid to the Insp.

VR
4/3/9

TH) Submit for orders.
2/3/09. 2 to Secretary
2nd March 09

No further consideration ~~of~~ on the subject ~~is~~ ~~necessary~~

Note—Contn. sheet.

N. 139

GOVERNMENT OF MYSORE

General and Revenue Secretariat.

Bangalore, 12 March 09

Dear Mr Chakravarti,

Send you police file 103 with reference to my note on it. Re the second para of the note, I would invite your attention to the fact that the fee of 5 Rs we charge is much lower than similar fees elsewhere & that the Rs of Police wishes to raise it to 10 Rs. You will see that the 2 previous Chartered Accountants fee to the expert in the civil suit was not, I venture to think, too much to allow the expert

to get the full fee of $8 in
private claim cases under the discretio
of the P.G.: there seems to be
no particular (3) reason for
fool-retaining half the fe
see 52 mss leaves discretion
to the head of the dept to return
the ~~of~~ receipt of fee in doubt
cases + the P.G. may act under
that article, as stated in the
draft. Again & under the
circular orders of the chief
Court the fee (4) is paid by the
claimant to the Bureau & not

the court did not call 2/5
& not the court that was
to draw it for payment
of the expert.

Yours sincerely,
C S Balasundaram

(1) How? In madras no fee is
charged for expert opinion.

(2) In madras even when the expert
gives evidence (a much more troublesome
process than giving opinion) the whole
amount of fee is credited to govt. the
expert getting only the travelling allce
In the Punjab the whole amount is
charged to govt.
In Bombay for giving evidence

some remuneration is given not necessarily the whole fee.

So the whole fee is nowhere given. It should not be given on principle, to make it clear that Govt servants cannot expect to retain such fees as a matter of right but can only get as much as Govt considers right & allows.

(3) The practice of Govt retaining half the fee (besides the principle stated above) is that the knowledge by which this fee is earned is acquired by the man in the discharge of Govt duties & but for facilities such duties afford such knowledge could never have been acquired.

(4) This is a matter of detail but generally fees for expert opinion & evidence are deposited & disposed of through the Courts. If the procedure here requires H.M. to draw I have no objn. but it would be in my opinion unusual. 13/8/89

G. R. S. 12j
General and Revenue Secretariat.

AR File No. 125 of 1908-09

Serial No.

As when the draftsman put up. Attached that - being an application the next the 2nd Secr might be consulted with advantage before issue of orders to prevent subsequent reference, I sent the file to 2nd Secr & I submit his note for perusal & orders.

I would with due deference to 2nd Secr I would leave it to the D.G. to pay the expert the whole or any part of the fee -

2nd Cr

SS
13/3/09
15/3/09

Please get the unofficial views of the D.G. of Police on the proposal made by the Financial Secretary.

KMR
15/3/09

Forwarded to the D. G. of Police for favour of opinion.

By Order
S Ramaswamy
for Secretary.

16/3/09.

W.O. No 66 of 08
dt 16.3.09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 123 of 190 8-09

Serial No.

III 9/4

Subd. for orders.

SH 6/4/09 for Councillor. 6/4. SH

The fee of Rs 5 need not be increased

Half the fee may at the discretion of the Dy of Police be granted to the Inspectr

SH 10/4/09

15/4/09

Dy Supdt

Dy Supdt approved

12/4 SH 20/4

B/Rec 16/6/09

157 13-4-09

NOTE—Contn. sheet.

GPB—50,000—12-5-08

G. R. S. 12]

General and Revenue Secretariat.

Police File No. 123 of 190 8-09

Serial No.	
2	To The D. G. of Police & the Registrar, Chief Court. No. V3273-4D/ 26.4.09 Declines to enhance the fee & states that it is open to the D. G. to grant to the Inspector the whole or part of the fee realised in any case up to Rs 50.

NOTE—Contn. sheet.

GPB—50.000—13-5-06

but in the matter of the disposal of the amount, the Inspector-General of Police is given discretionary power (vide Art: 74 of the Bombay Civil Service Regulations) to allow remuneration to the men sent to give evidence, when the duty causes them extra work. FLW

In the Punjab, a fee of Rs 10/- is charged for <u>expert opinion</u> and the whole amount is credited to Government.

There is thus no uniformity of practice observed in the above Provinces. But I am of opinion that as the Inspector generally does this work out of office hours and without the aid of the Bureau, the amount should naturally be paid to him - the fee may now be raised to Rs 10/- which is the lowest as levied in the Punjab and is not in my opinion in any way large considering the importance of the expert opinion.

I request that you will be so good as to place the matter Before Government for favour of early orders.

Copies of communications received from Madras, Bombay and the Punjab in the matter, are enclosed for information.

I have the honour to be,

Sir,

Your most obedient servant,

Inspector-General of Police.

LR

Police 123-08-1

F. P. No. 50. Encl: 3.

OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, 5th February 1909.

FROM

D. Devaraj Urs Esquire,
Inspector-General of Police in Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.
Offg. *Secretary to the Government of H. H. the Maharaja of Mysore, General and Revenue Departments.*

SIR,

Referring to Government Proceedings No. J. 1651-52/ Police 198-06-8, dated the 28th November 1907 directing the levy of a fee of Rs 5/- for expert opinion on Finger Prints in Civil cases, I have the honour to state that as regards the disposal of the amount there is nothing definitely stated as to how it should be done, the practice at present obtaining being that it is paid to the Bureau Inspector who gives the opinion.

In Madras, no fee is charged for expert opinion; but a fee of Rs 50/- per diem in addition to expenses, is charged for expert evidence on Finger Prints in Civil cases. The whole amour is credited to Government, the expert getting only the travelling allowance under the rules.

The Bombay Government have sanctioned the levy of a fee of Rs 15/- from private persons for evidence of an expert from th Finger Print Bureau in Civil and non-cognizable Criminal cases;

No. 1147/E.P. Dated 23rd December 1908

C. G. W. Clogstoun Esquire,
Dy. Inspector-General of Police,
C.I.D. and Railways, Madras.

To

The Inspector General of Police in Mysore,
Bangalore.

Sir,

In reply to your letter No. E.P. 34 of the 21st instan I have the honour to inform you that in cases in which expert evidence on finger prints is required in Civil cases, a fee of Rs 50/- per diem is charged in addition to expenses and that the whole of this amount is credited to the Government, the expert getting only the travelling allowances to which he would be entitled under the rules.

2. No fee is charged for an expert opinion.

I have &c.,
(Sd) J., Filson.
For Dy: Inspr.-Genl. of Police.
C.I.D. and Railways.

" C O P Y "

Inspector-General of Police.

S.P

No. 4233.. Dated Poona, 23rd December 1908.

From

C. A. B. Beatty Esquire,
Ag. Deputy Inspector-General of Police,
for Railways and Criminal Investigation
Bombay Presidecy, Poona.

To

The Inspector-General of Police in Mysore,
Bangalore.

Sir,

With reference to your letter No. F.P. 34 of 21st December 1908, I have the honour to inform you that the Government of Bombay have sanctioned the levy of a fee of ₹15/- from private persons for evidence of an expert from the Finger Print Bureau in Civil and non-cognizable Criminal cases.

2. In the matter of the disposal of the amount, Article 74 the Civil Service Regulations gives the Inspector-General of Police discretionary power to allow remuneration to the men sent to give evidence when the duty causes them extra, and not merely different, work. The general principle observed is that a fee received for work done during office hours, and on the strength of special knowledge acquired in the course of an officer's duties should be credited to Government.

I have &c.,
(Sd) F. C. Griffith.
For Ag. Dy. Inspr-Genl. of Police,
for Rys; and C. I.

" C O P Y "

Inspector-General of Police.

LR

NO: 42. Dated Lahore , the 11th January 1909.

From

S. E. Wallace Esquire,

Deputy Inspector-General of Police

C. I. Dept: and Railways, Punjab.

To

D. Devaraj Urs Esquire,

Inspector-General of Police in Mysore,

Bangalore.

Sir,

In reference to your letter No. F.P. 34 dated the 21st December 1908, I have the honour to say that no part of the fee is paid to the Finger Print expert, the whole is credited to Government.

I have &c.,

(Sd) S. Wallace.

Dy. Inspr.-Genl. of Police,

C. I. Department, Punjab.

" C O P Y "

D Devaraj

Inspector-General of Police.

G.R.S. 28]

1994 Clean Copy

Police
File No. 123-01
Serial No. 2

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

Bldg Q

, *the* 190

Date of issue _____

Signed by _____

READ.—

G. P. no. 1651-52-Police 198-06-8 dated the 28th November 1907 approving of the Rule of Practice proposed to be issued by the Chief Court in regard to the summoning of Finger Print experts as witnesses in civil cases and the levying of a fee in connection therewith.

2. Letter no. F.P. 50 dated the 5th February 1909 from the I.G. of Police in Mysore, recommending that the fee of Rs 5 prescribed

over

ORDER THEREON. N.O.

SUBJECT

in the above Rule of Practice may be raised to Rs 10 and that it may ~~be directed to~~ be made payable to the Inspector in charge of the Finger Print Bureau instead of being credited to Govt.

Order thereon — Yes.

Upon the above Rule of Practice a fee of Rs 5 (besides the travelling allowance, if any, of the expert) is levied in advance in all civil cases in which the parties or any of them ~~desire to~~ apply for expert opinion from the Finger Print Bureau in the matter of deciphering finger impressions and doing other work of a similar character and the sum is credited to Govt — the Bureau and charges as costs in the case. The D. G. now recommends that the fee prescribed may be raised to Rs 10 and that it may be made payable to the Inspector

F 3273-4
Police 123-08-2
8 26/4/09

J 1994
1908-09.

FROM

The Inspector-General of
Police in Mysore.

To

The Secretary to the Govt. of H. H.
the Maharaja of Mysore,
Gen. & Rec. Depts.

Dated 5th } February 1
Despatched

Received

General No. F. P. 50.
No.

Enclosure No. 3.

Solicits orders of Govt: re the disposal of the fee charged for Expert Opinion on Finger Prints in Civil Cases & suggests that the fee may be raised to Rs 10/- & paid to the Bureau Inspector.

GPB—500—17-12-07

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

in charge of the Finger Print Bureau instead of being credited to ~~the Exchequer~~ Govt. ~~Government that a~~ fee of Rs 5 was fixed by ~~them in each case~~ after due consideration and they do not see any reason to enhance the same as now recommended by the D. G. ~~the D. G. may, however, allow the Inspector~~ under Art. 52 of the Imperial Service Regulations, the whole or part of the fee realised in any case up to a limit of Rs 10.

In regard to the recommendation that the fee ~~should~~ may be paid to the expert instead being credited to Govt. ~~Government~~ ~~that~~ It is open to the D. G. under

Submit

20/Nov/24

S.J.
for Secretary

To

The D. G. of Police in Mysore
The Registrar, Chief Court.

Non-U Cons
2314

Clean draft

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Government Proceedings No.1651-52-Police 198-06-8 dated the 28th November 1907 approving of the Rule of Practice proposed to be issued by the Chief Court in regard to the summoning of Finger Print Experts as witnesses in Civil cases and the levying of a fee in connection therewith.

2. Letter No.F.P.50 dated the 5th February 1909 from the Inspector General of Police in Mysore, recommending that the fee of Rs. 5/- prescribed in the above Rule of Practice may be raised to Rs. 10/- and that it may be made payable to the Inspector in ~~charge~~ charge of the Finger Print Bureau instead of being credited to Government.

Order thereon No. C 1327-4/Police 123-08-2

Dated Bangalore 26th April 1909.

The fee of Rs. 5/- was fixed by Government after due consideration and they do not see reason to ~~at~~ enhance the same, as now recommended by the Inspector General of ~~Police~~ Police. It is open to the Inspector General, under Article 52 of the Mysore Service Regulations to grant to the Inspector the whole or part of the fee realised in any case up to a limit of ~~Rs.~~ Rs. 50/-.

Sd/- Shamayanagar

for Secretary to Government.

To

The Inspector General of Police in Mysore.

" Registrar of the Chief Court of Mysore.

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Police), dated 26th April 1909.

READ—

1. Government Proceedings No. 1051-52.—Police 193-06-8, dated the 28th November 1907, approving of the Rule of Practice proposed to be issued by the Chief Court in regard to the summoning of Finger Print experts as witnesses in Civil cases and the levying of a fee in connection therewith.

2. Letter No. F. P. 50, dated the 5th February 1909, from the Inspector-General of Police in Mysore, recommending that the fee of Rs. 5 prescribed in the above Rule of Practice may be raised to Rs. 10 and that it may be made payable to the Inspector in charge of the Finger Print Bureau instead of being credited to Government.

NO. J. 3275-4—POLICE 125-08-2, DATED BANGALORE, 26TH APRIL 1909.

ORDER THEREON.—The fee of Rs. 5 was fixed by Government after due consideration and they do not see reason to enhance the same, as now recommended by the Inspector-General of Police. It is open to the Inspector-General, under Article 52 of the Mysore Service Regulations, to grant to the Inspector the whole or part of the fee realised in any case up to a limit of Rs. 50.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector-General of Police in Mysore.
The Registrar of the Chief Court of Mysore.

Exd.—C. V.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(POLICE)

PROCEEDINGS

Dated 26th April 1909

No. J. 3273-4
Police 123-08-2

Declining to enhance the fee of Rs. 5 prescribed to Finger Print experts summoned as witnesses in Civil cases.

GPB—5-5-09—300